



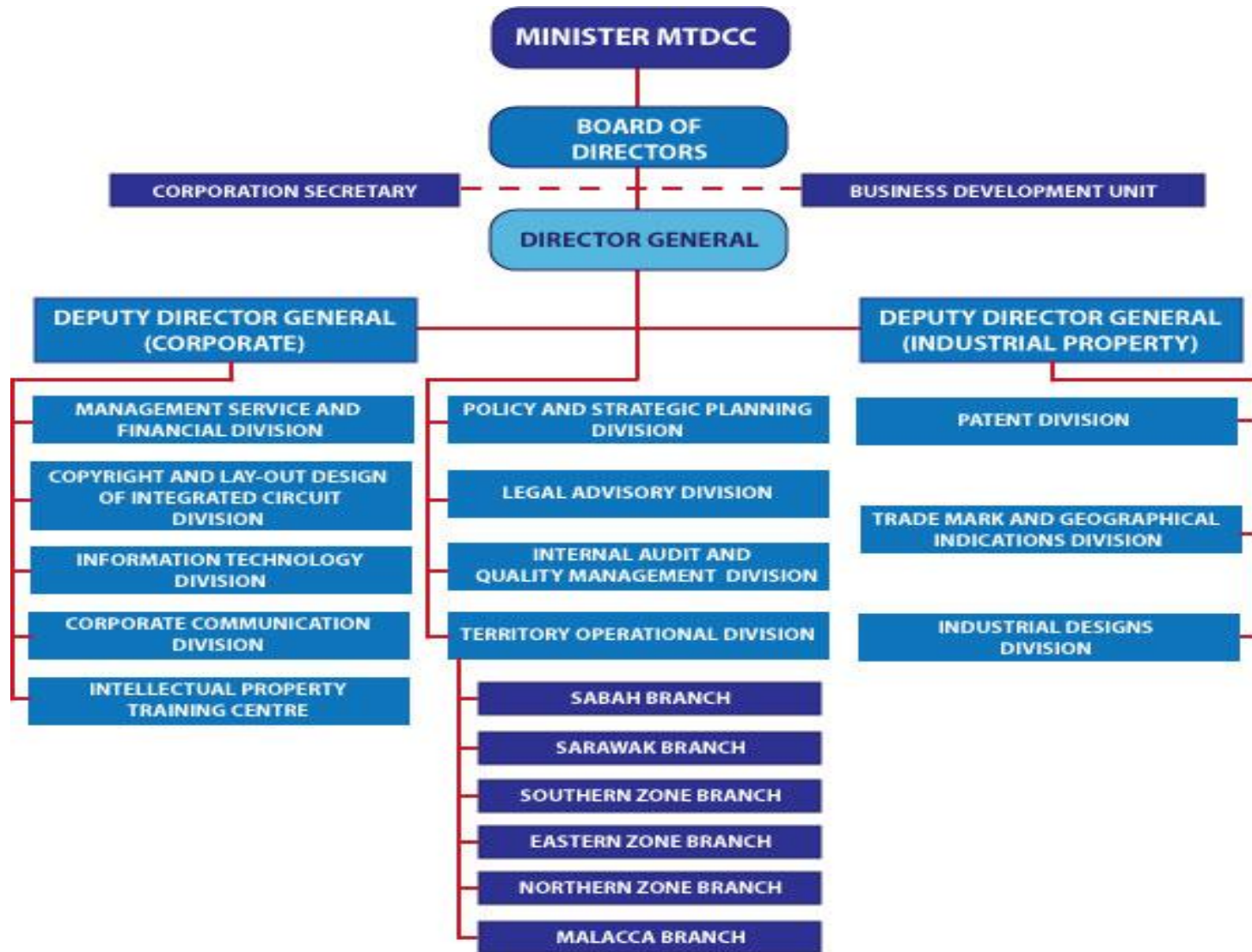
Intellectual Property Corporation of Malaysia

INTELLECTUAL PROPERTY SYSTEM IN MALAYSIA

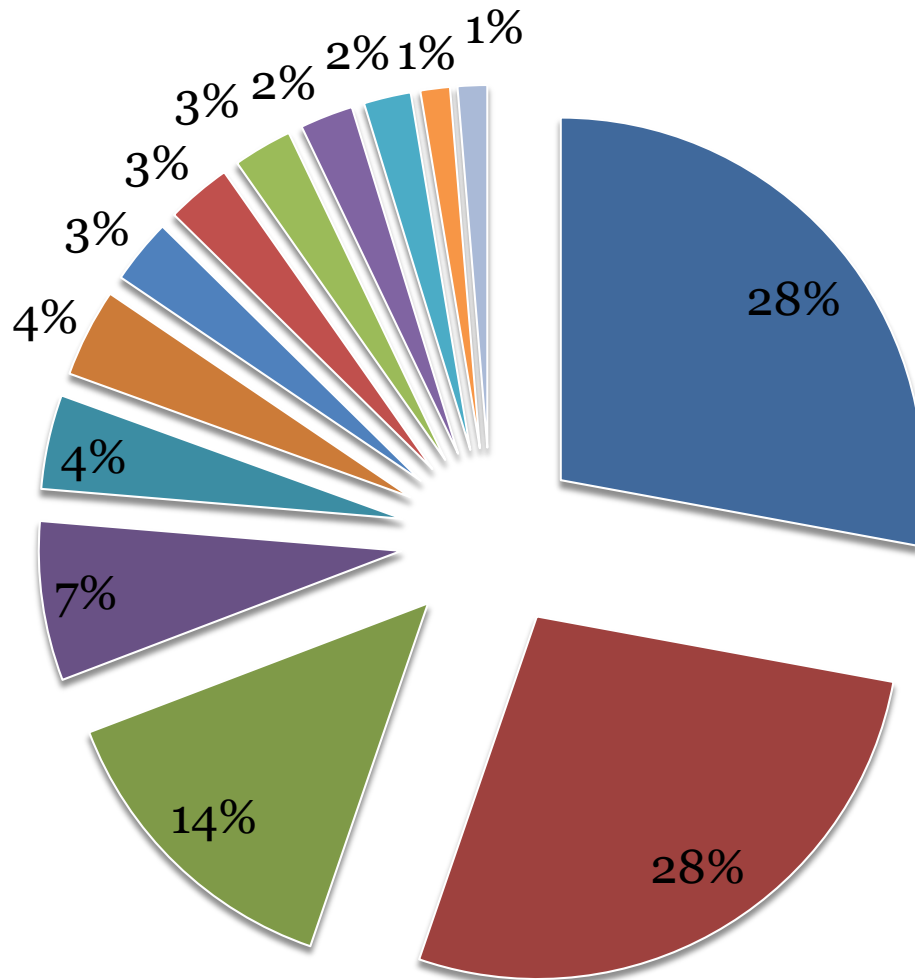


COUNTRY REPORT PRESENTATION

ORGANIZATIONAL STRUCTURE



MyIPO



- Trademark Division
- Patent Division
- Management Services Division
- Branch Offices
- Information Technology Division
- Industrial Design Division
- DG's and DDG's Offices
- Copyright & Layout Design of IC Division
- Others
- Planning & International Relation Division
- Intellectual Property Training Center (IPTC)
- Legal Advisory Unit
- Corporate Communication Division

MyIPO FUNCTION

- To ensure the provisions of the IP legislation are administered and enforced accordingly;
- To provide service in administering, collecting and enforcing payment of prescribed fees or any other charges under the IP legislation;
- To regulate and supervise issues or matters relating to IP in relation to the IP legislation;
- To advise on the review and updating of the IP legislation;
- To encourage and promote the training and the dissemination of information on IP;

(Cont.)

- To promote and organize cooperation programme at national and international levels;
- To safeguard Malaysia's interest in respect of any agreement or international convention to which Malaysia is a party;
- To advise the government on development at international level on issues or matters related to IP; and
- To carry out research and studies on IP issues.

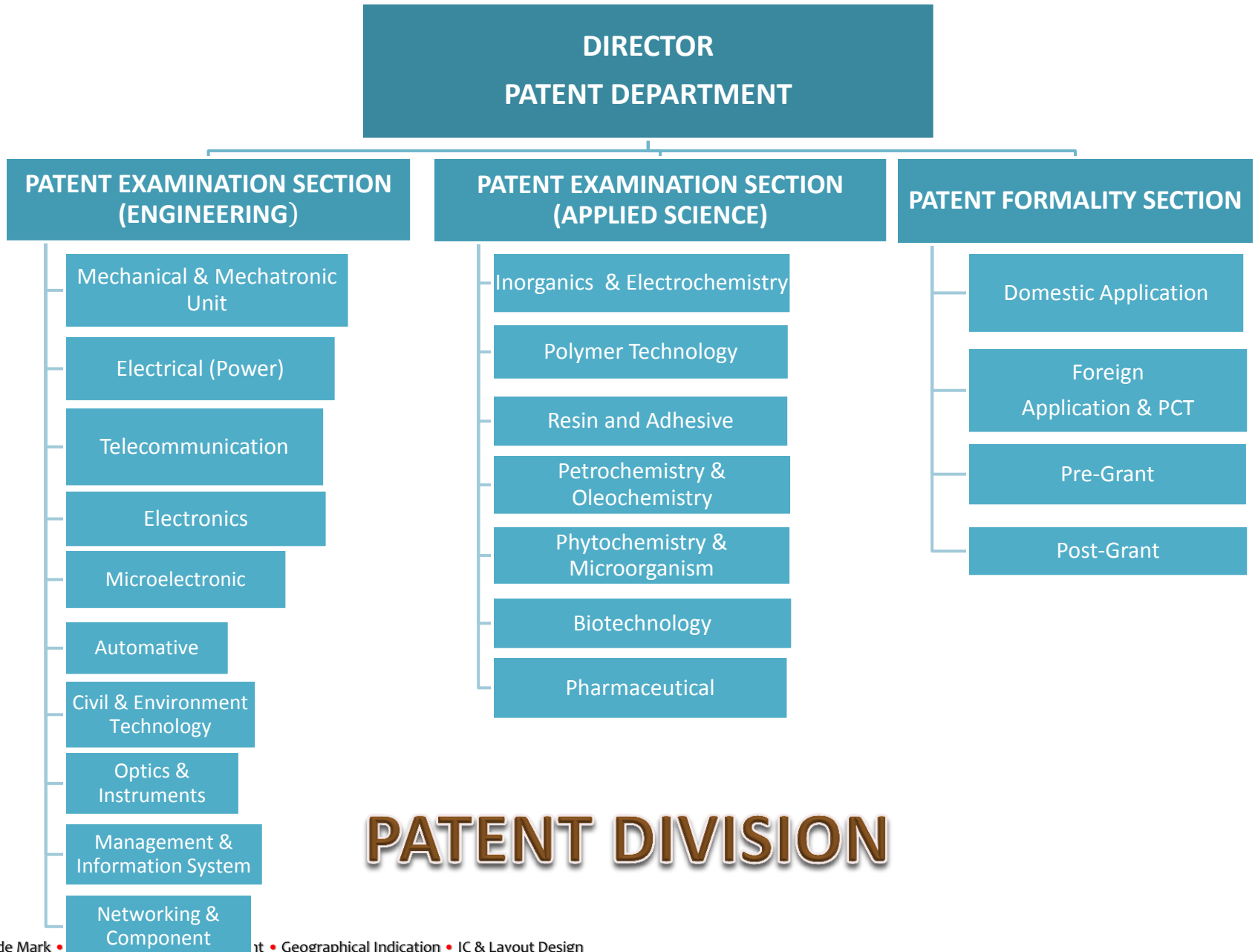
MyIPO ACTIVITIES

- Registration of patents, trade marks, industrial designs, geographical indications and copyright;
- Advisory and consultancy services on IP;
- IP information and statistical data;
- Training programme;
- Patent agent examination;
- Outreach programme;
- On-line services (search, filing and checking application status);
- helpdesk

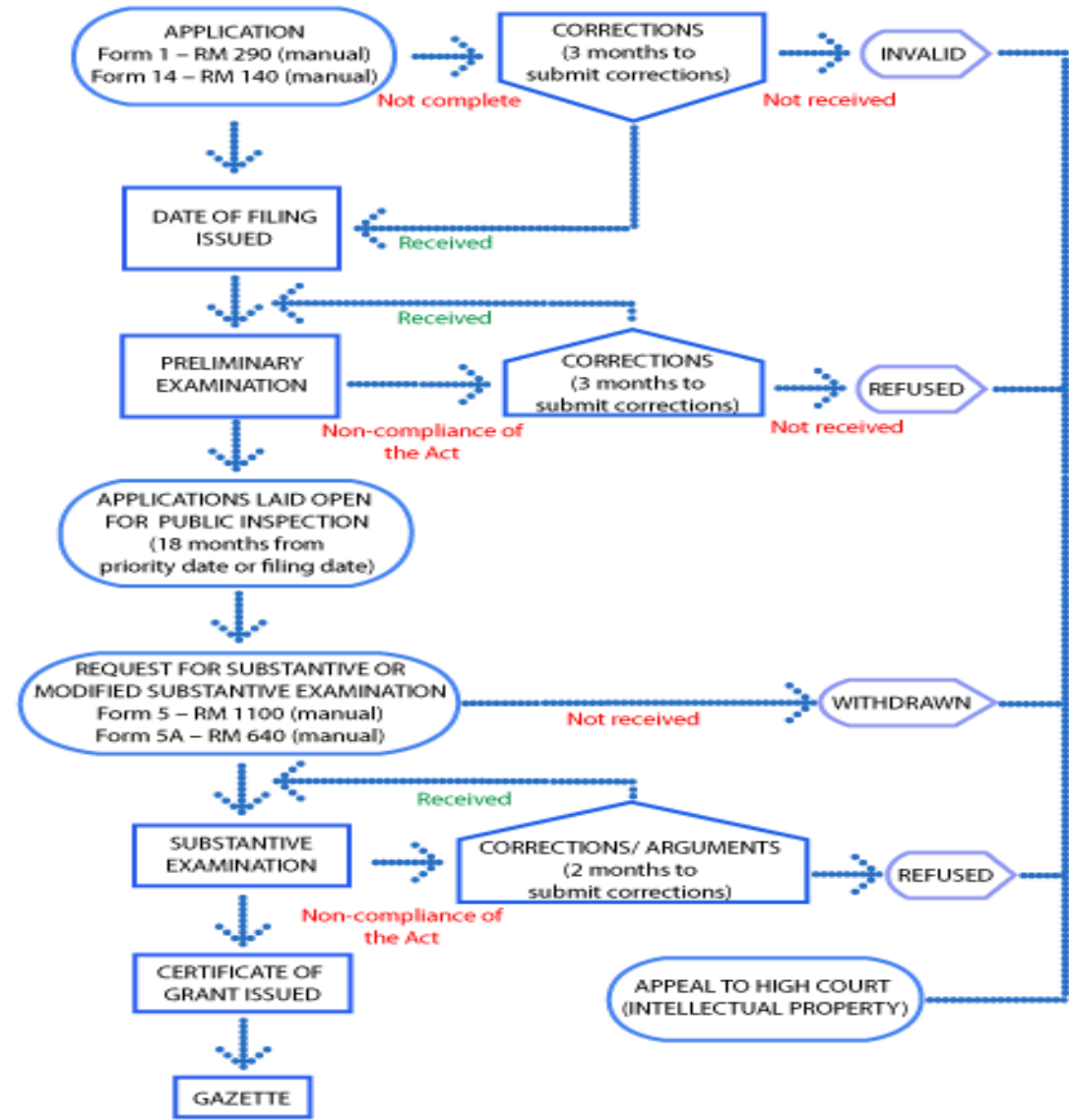
DOMESTIC LAW REGARDING IPR

MALAYSIA

DOMESTIC LAW	Subject of Protection	Not Established/ Already Established	Date of Enforcement of Current Law	Date of Enforcement of Recent Vision	Comments
	Patents	○	01.10.1986	16 August 2006 15 February 2011 (Reg. Amendment)	
	Trademarks	○	01.09.1983	24 January 2002 15 February 2011 (Reg. Amendment)	
	Industrial Design	○	01.09.1999	24 January 2002	
	Utility Model	○	0.1.08.1993	16 August 2006	Protected Under Patents Act
	Copyright	○	01.12.1987	24 January 2006 01 Jun 2012 (Reg. Amendment)	
	Unfair Composition	◇			Protected under Common Law based on the product i.e Communication & Multimedia Act
	Trade Secrets	◇			Protected under Common Law
	Computer Programs	◇			Protected under Copyright & Patents Act
	Layout Designs of IC	○	15.08.2000	1 December 2000	



PATENT FLOWCHART



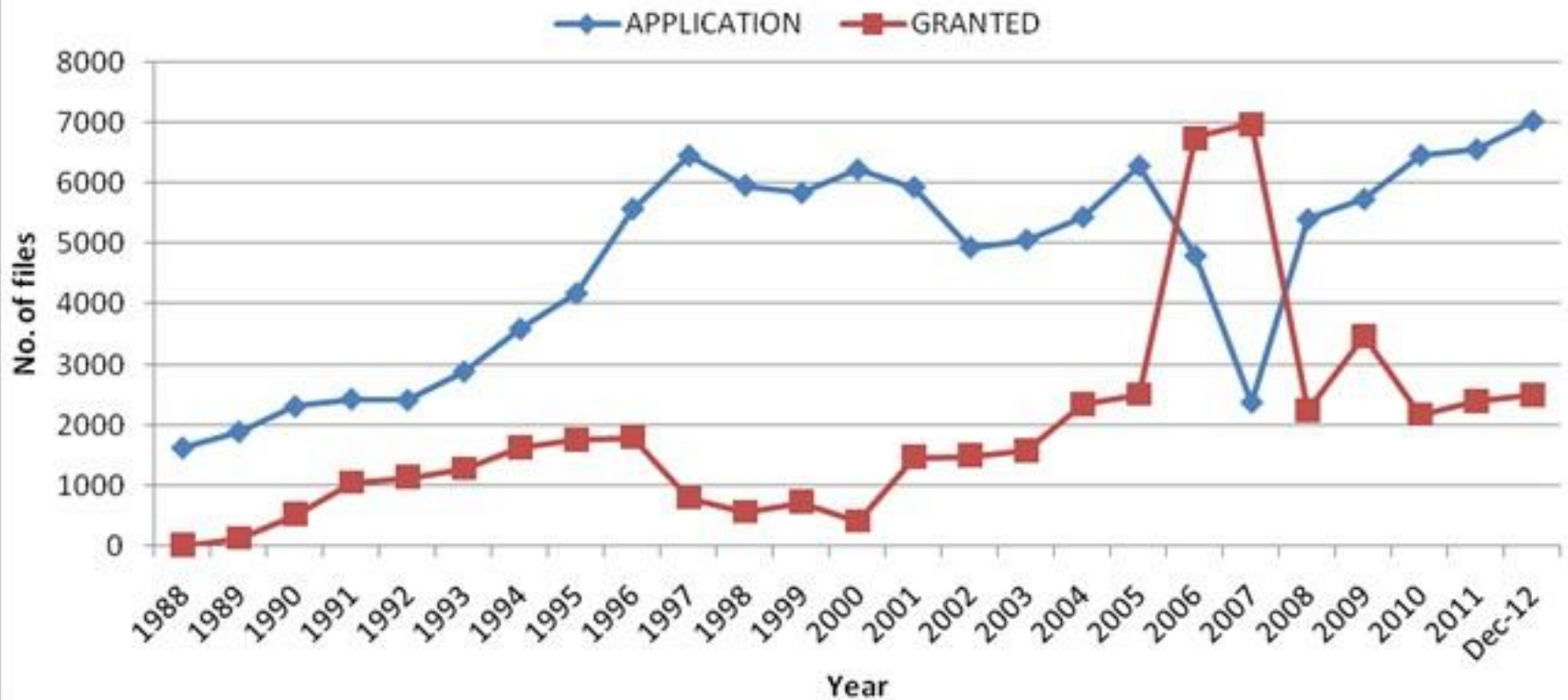
PATENT (National applications)

	2009	2010	2011	2012
Number of local applications	1234	1275	1136	1160
Number of foreign applications	4503	5189	5423	5867
Number of registered/granted applications	3468	2177	2392	2501

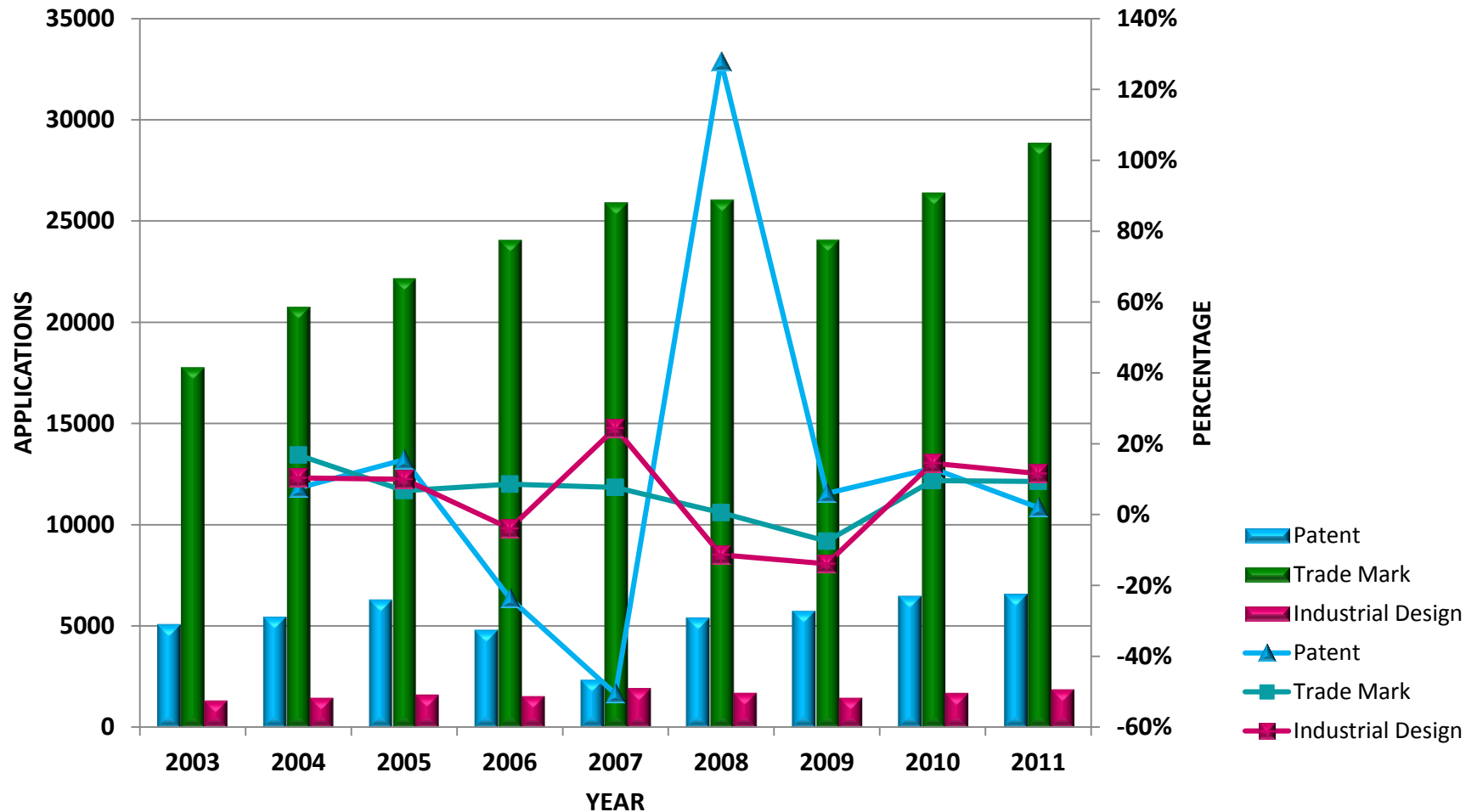
PCT filings by Receiving Office

	2009	2010	2011	2012
Number of applications	224	334	251	300

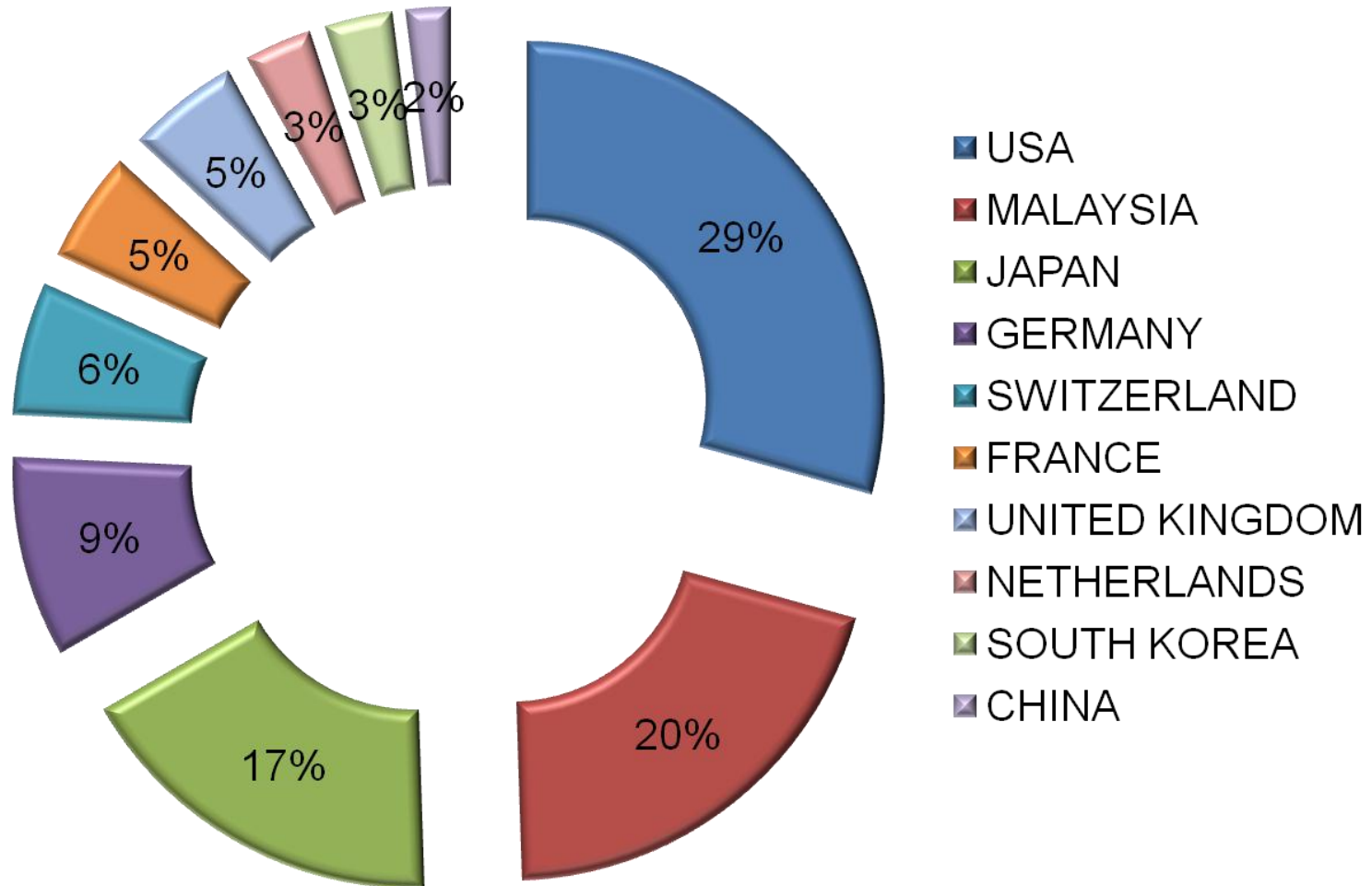
APPLICATION AND GRANTED PATENTS AND UTILITY INNOVATIONS



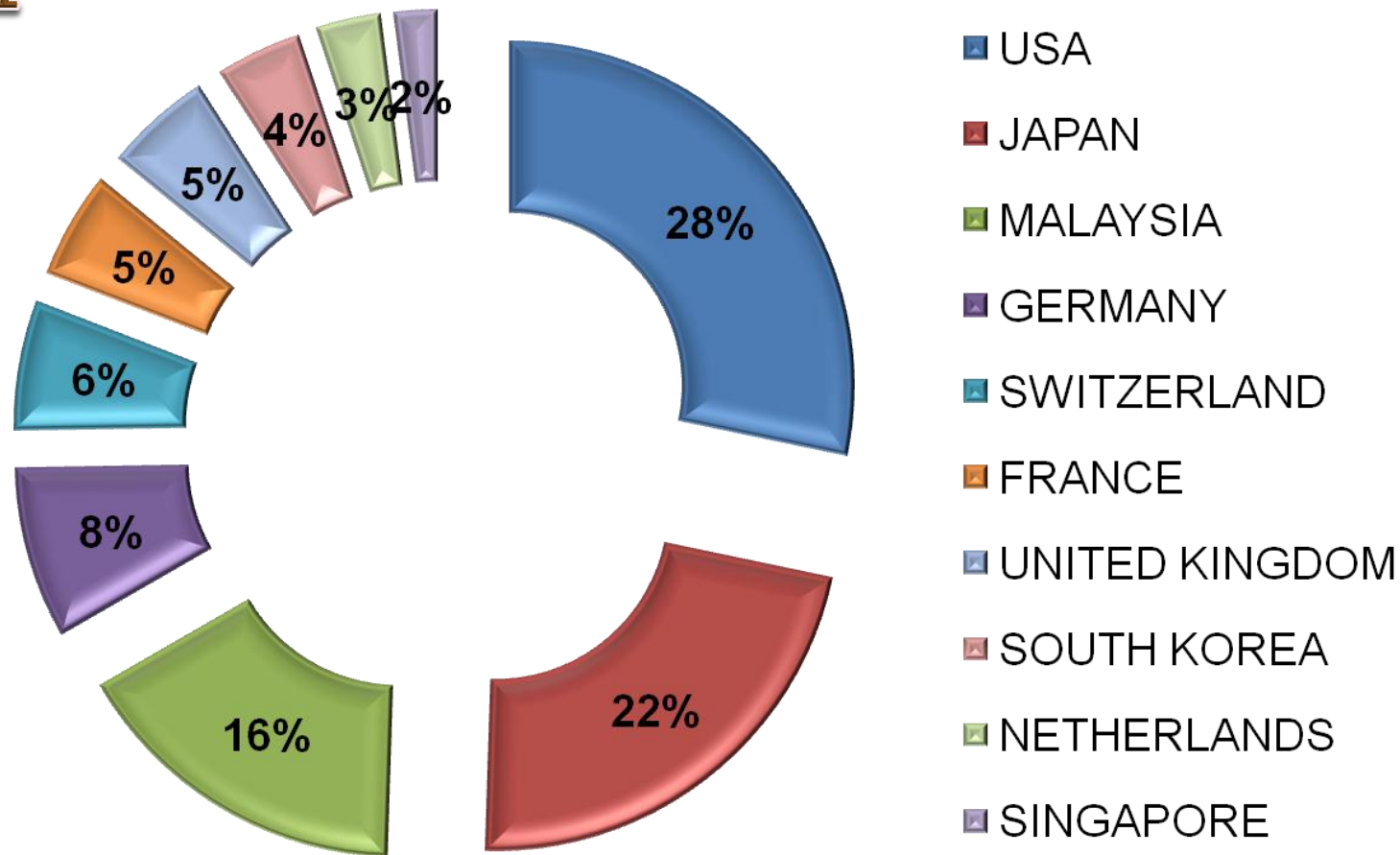
IPR APPLICATIONS & GROWTH 2003-2011



TOP TEN PATENTS APPLICATIONS BY FOREIGN COUNTRY 2011



TOP TEN PATENTS GRANTED BY FOREIGN COUNTRY 2011



ROLE OF PATENT EXAMINER

- Determines if the legislative requirements are met
- Determines whether the invention is new and inventive
- To find the most relevant previously published technical disclosures ("prior art") against which the patentability of the application can be assessed.
- Communicates with applicants or patent attorneys the outcome of the analysis, and considers responses and submissions
- Recommends or approves the acceptance of a patent application (depending on experience).

PATENT EXAMINATION PROCEDURE

- Preliminary Examination

Preliminary examination will be conducted if the application is accorded a filing date [S29 of Patents Act (PA)].

- To ensure that it satisfies the formality requirements of the regulations, such as Regulations 5, 6, 7 (1), 8, 9, 11, 18 and 51 of P.A.

PATENT EXAMINATION PROCEDURE (cont)

- Relates to non-technical matters such as the correct completion of the forms, use of correct sized paper, correct margins, and the documents are suitable for reproduction by printing or microfilming.
- The applicant will be advised of any deficiencies and given a period of 3 months to make corrections to the applications [R.26 of P.A].

PATENT EXAMINATION PROCEDURE (cont)

- Substantive Examination
 - Form 5 with the prescribed fee
 - Within 2 years from the filing date of the application [S29A and R27 of P.A].
 - May be accompanied by information relating to the results of any search or examination carried out on any corresponding prescribed foreign patent application.

PATENT EXAMINATION PROCEDURE (cont)

- Modified Substantive Examination
 - For a patent application which has been granted in other prescribed country
 - Submitting Form 5A within 2 years from the filing date of the application [S29A and R27A of P.A].
 - Shall be accompanied by a certified copy of prescribed foreign patent.
 - May be in conformity with the responding granted patent [R27A(3) of P.A].

PATENT EXAMINATION PROCEDURE

(1) Understanding of Invention

- Understanding the content of an invention sufficiently
- To find the claimed invention based on the writing of the claims

(2) Selection of the subject of search

- To consider the requirements of unity of invention (S26 of P.A.)
- To consider the requirements for the description and claims (R12 & R13 of P.A.)
- Selecting inventions as the subject of a prior art search

PATENT EXAMINATION PROCEDURE (cont)

(3) Prior Art Search

- Search concerning novelty, inventive step and senior or junior of applications)
- To conduct a prior art search

Targeting the claimed inventions selected as the subject of the search, in terms of novelty, inventive step & seniority of applications
(S14,15 & 16)

PATENT EXAMINATION PROCEDURE (cont)

- 4) Examination of requirements for patentability in terms of novelty, inventive step and industrial applicability
- (5) Notice of reasons for refusal
- (6) Final decision
Where no reasons for refusal are found, decision to grant a patent

PATENT EXAMINATION PROCEDURE (cont)

Examination worksheet:

- Identify independent claims (identify different categories of independent claims, draw a claim tree)
- Check the claims for clarity (consider the different possibilities of lack of clarity)
- Identify the closest prior art (a table listing the different technical features may help)
- Apply the Problem Solution Approach for inventiveness

PATENT EXAMINATION PROCEDURE (cont)

- Draft a communication:
 - Introduce relevant documents
 - Raise patentability objections
 - Raise clarity objections
 - Raise novelty objections concerning independent claims
 - Raise inventive step objection concerning independent claims

**HOW TO UTILIZE
SEARCH/EXAMINATION
RESULTS OF OTHER
OFFICES, SUCH AS ISR
FOR NATIONAL
SEARCH/EXAMINATION
PROCEDURE**



UTILIZATION OF ISR

Reduce the examination workload

Improve the quality of the examination

UTILIZATION OF ISR

- Reg. 27 : examiner shall make use information and search results carried out by prescribed IP office which relating to the application number and filing date of any application filed with any prescribed IP office relating to the same or essentially the same invention as that claimed in the application.
- Prescribed IP office : AU, JP, KR, UK, US, EP
- **Competent ISA for MY in case of PCT application :**
 - Korean Intellectual Property Office (KIPO)
 - IP Australia (Australian Patent Office)
 - European Patent Office (EPO)

UTILIZATION OF ISR

Procedure of Examination

(1) Prior Art Search

i) Not to carry out an additional prior art search:

The examiner shall refer to the prior art search results and examination results if he/she considers it possible, based on his/her knowledge and experience, to conduct an examination precisely and efficiently by using such search results and generate the adverse report.

- Where there is no related information regarding search results, the examiner will conduct a prior art search thoroughly using domestic database (IP ONLINE), free databases e.g. PATENSCOPE, ESPACENET, GOOGLE PATENT, USPTO, DEPATISNET or EPOQUENET and GPI database.

UTILIZATION OF ISR

(2) Examination of prior art documents, etc.

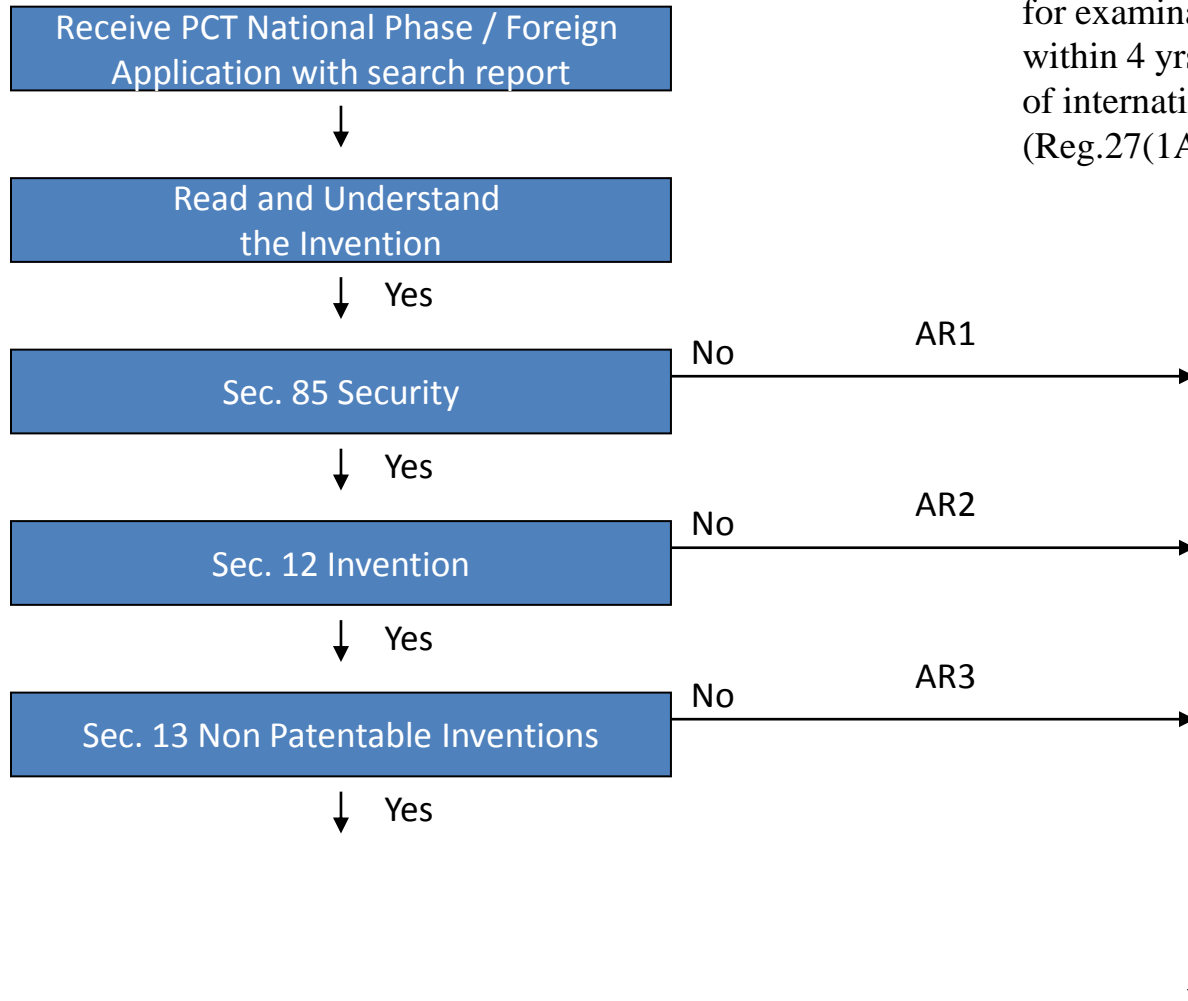
If the examiner is not satisfy with the results, he will examine the prior art given with thoroughly checking the other related prior art. Where it is possible, the examiner will compared the provided search results with the additional for better conclusion.

(3) Examination on other reason for refusal

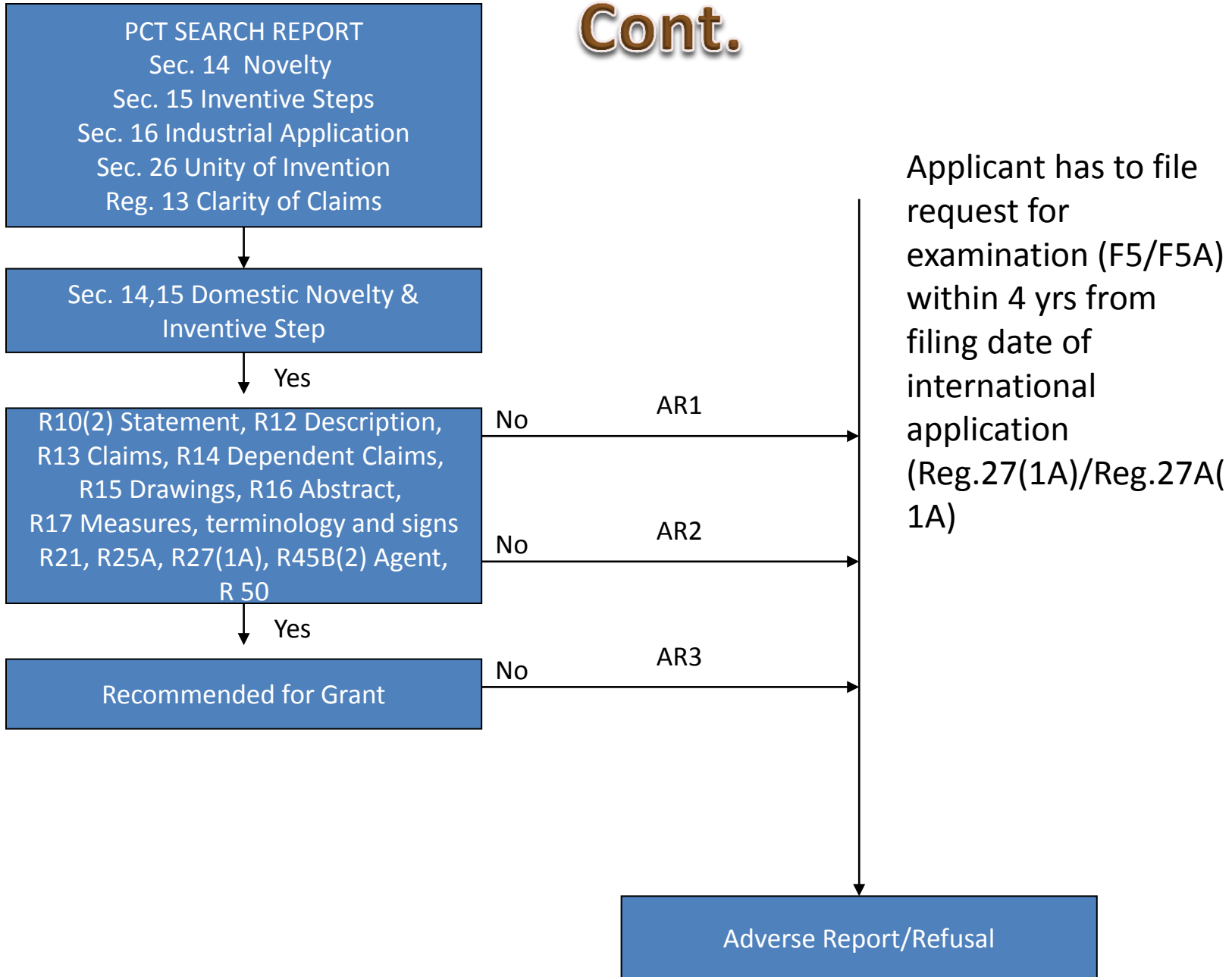
In case of refusal, the applicant may request for hearing procedure. The examiner will evaluate the decision of refusal and may re-examine again.

UTILIZATION OF ISR

Applicant has to file request for examination (F5/F5A) within 4 yrs from filing date of international application (Reg.27(1A)/Reg.27A(1A))



Cont.



TRAINING FOR EXAMINER

- Training Courses:

1st – 2nd years:

- Ongoing training, attached with trainer / senior examiner on full substantive examination procedure + Malaysian Patents Act & Regulations.

2-4 years:

- Attend few training in local and overseas, expose with seminars, talks, forums conducted by local and international IP office.

For more information, visit our website at:

<http://www.myipo.gov.my>

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THANK YOU